IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7656 of 2007
Date of Decision: 21.5.2007

Haryana Medical Representatives Association

Petitioner

versus

The Presiding Officer, Labour Court, Ambala and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri N.P.Jetley, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed against the award dated 23.11.2006 (Annexure P/1), passed by the Labour Court, Ambala, vide which, prayer of the petitioner, to set aside action of the respondent, in transferring three workmen, namely, Sukh Pal Sharma, R.K.Mehta and Sandeep Khosla, who were working at Ambala, to different places in southern India, was declined.

It is apparent from the record that when above mentioned three workmen were transferred from Ambala to Chennai, Calcutta and Nadiad, a dispute was raised by the petitioner. On failure of conciliation proceedings, matter was referred to the labour Court, for adjudication. Both the parties were given opportunity to lead evidence, to prove their respective cases and on conclusion thereof, award, under challenge, was passed. It has come on record that as per terms and conditions of the appointment letter, on the basis of which, above-said three workmen were taken in service, it is mentioned that they were liable to be transferred to any place of work, of the respondent-management.

Contention of the petitioner that above-said three workmen were transferred by way of punitive measure, was negatived by the Court below, as the petitioner has failed to prove any malafide on the part of the management, in ordering transfer of the workmen, in question. In view of findings given by the Labour Court in paragraphs No.11 to 18, which we feel are justified, no case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

May 21, 2007 **(Nirmal Yadav)**
gk **Judge**